

Mr. DURBIN. I announce that the Senator from Vermont (Mr. SANDERS) is necessarily absent.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Wyoming (Ms. LUMMIS).

The yeas and nays resulted—yeas 53, nays 45, as follows:

[Rollcall Vote No. 163 Ex.]

YEAS—53

Baldwin	Hassan	Padilla
Bennet	Heinrich	Peters
Blumenthal	Hickenlooper	Reed
Booker	Hirono	Rosen
Brown	Kaine	Schatz
Cantwell	Kelly	Schumer
Cardin	King	Shaheen
Carper	Klobuchar	Sinema
Casey	Leahy	Smith
Cassidy	Lujan	Stabenow
Collins	Manchin	Tester
Coons	Markey	Van Hollen
Cortez Masto	Menendez	Warner
Duckworth	Merkley	Warnock
Durbin	Murkowski	Warren
Feinstein	Murphy	Whitehouse
Gillibrand	Murray	Wyden
Graham	Ossoff	

NAYS—45

Barrasso	Grassley	Risch
Blackburn	Hagerty	Romney
Blunt	Hawley	Rounds
Boozman	Hoeven	Rubio
Braun	Hyde-Smith	Sasse
Burr	Inhofe	Scott (FL)
Capito	Johnson	Scott (SC)
Cornyn	Kennedy	Shelby
Cotton	Lankford	Sullivan
Cramer	Lee	Thune
Crapo	Marshall	Tillis
Cruz	McConnell	Toomey
Daines	Moran	Tuberville
Ernst	Paul	Wicker
Fischer	Portman	Young

NOT VOTING—2

Lummis Sanders

The PRESIDING OFFICER (Ms. SINEMA). On this vote, the yeas are 53, the nays are 45.

The motion is agreed to.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Asmeret Asefaw Berhe, of California, to be Director of the Office of Science, Department of Energy.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 1:11 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Ms. SINEMA).

EXECUTIVE CALENDAR—Continued

The PRESIDING OFFICER. The Senator from Massachusetts.

WOMEN'S HEALTH PROTECTION ACT

Mr. MARKEY. Mr. President, in the aftermath of last week's leak of the draft Supreme Court opinion of Dobbs v. Jackson Women's Health Organization, we are facing one of the lowest moments in history for our Nation's highest Court.

An illegitimate, far-right majority on the Court is poised to overturn Roe v. Wade and Planned Parenthood v. Casey and take away a fundamental constitutional right that has been the law of the land for almost 50 years—the right to a legal, safe abortion. Every American deserves the right to make their own decisions about their own bodies.

While the leaked opinion may only be a draft, we cannot ignore the profound threat it poses. That is because the opinion is the outrageous culmination of a rightwing campaign to take over the Court and take America back to the days when far too many faced not only a loss of liberty but a loss of life when seeking abortion care.

It validates the theft of two Supreme Court seats by President Trump, then-Leader MCCONNELL, and Senate Republicans.

It confirms that conservative Justices lied to the Congress and the American people about their commitment to the Court's precedent and the rule of law.

Overturing Roe v. Wade will undermine the health, safety, and freedom of millions of Americans, and it will create horrific pain and hardship for people all across the Nation, especially those without the means or resources to travel to States where abortion will remain safe and legal.

Already, for pregnant Americans in red States across the country, access to abortion is functionally denied because of a lack of funds, geography, immigration status, and other barriers. This war on people of color and the poor is already being waged, and we cannot let the Supreme Court provide deadlier weapons.

If the extremist rightwing of the Court is willing to abandon something as fundamental as the right to privacy and the right for Americans to make decisions about their own bodies, then we are on a slippery slope to the undoing of other fundamental rights the Court has recognized as being grounded in the right to privacy, including the right to use contraception or the right to marry whomever you love.

But this was the goal of the Republicans and the rightwing all along: steal the Supreme Court seats, steal an election, and steal the rights of Americans.

This is the direct consequence of an anti-majoritarian and anti-democratic national electoral system that allowed two Presidents, who both lost the popular vote, to nominate more than half of the current Justices to the U.S. Supreme Court and allowed them to be confirmed by Senators representing a minority of the Nation's population.

This is the racist, misogynistic, xenophobic manifestation of a radical rightwing, extremist vision of America that is out of step with the vast majority of Americans. In fact, by a 2-to-1 margin, Americans say Roe v. Wade should be upheld.

This egregious and overtly political act cannot be allowed to go unanswered. Faith in our judicial system is in jeopardy, so we are left with no other choice. We have to immediately pass Federal legislation that protects millions of Americans' right to choose, that lifts dangerous and discriminatory bans on abortion, and that removes unnecessary limits on reproductive freedom.

The Women's Health Protection Act will do all of that by codifying Roe so as to affirm it as the law of the land. The Women's Health Protection Act enshrines in Federal law a healthcare provider's right to provide abortion services and a patient's right to receive them.

Among its provisions, the bill would prohibit viability bans designed to undercut the right to an abortion, like the 15-week ban imposed by the Mississippi law at issue in Dobbs or specious "heartbeat" bans like the one imposed by Texas's SB 8.

The Women's Health Protection Act would prohibit bans that do not make exceptions for the patient's health or life. I am appalled that any Member of Congress could consider themselves in support of women but then support a ban that explicitly devalues life.

This bill would also ban so-called TRAP laws—the targeted regulation of abortion providers—that impose onerous and unwarranted requirements on facilities and providers who do nothing to promote health but, rather, make it nearly impossible for healthcare providers to keep their doors open.

The bill would also prohibit requirements that providers share medically inaccurate information and impose medically unnecessary and manipulative tests and procedures like mandatory ultrasounds.

It would prohibit limitations that prevent providers from caring for patients by telemedicine—a service that we have all learned to have been invaluable over the course of the pandemic and one that is all the more necessary for abortion care given the already draconian laws in some red States across the country.

It would bar other unjustified, onerous, and discriminatory practices intended to place obstacles in the path of those seeking abortion services.

In short, the Women's Health Protection Act will safeguard the rights established by 50 years of Supreme Court precedent and would protect abortion access even if Roe is overturned.

This bill is all that is standing between the America we have known for decades and one that plunges millions of people back in time—into despair, pain, poverty, and forced parenthood.

If we fail to act, we know Republicans will. If the Supreme Court overturns Roe v. Wade, 28 States are poised to ban abortion outright. Of those, 13 States already have trigger bans in place—activating laws that would ban abortion automatically when Roe is overturned.